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June 23, 2004

Federal Communications Commission  
Office of the Secretary  
Washington, D.C. 20554

**RE: Proposed Rule For Regulatory Oversight Of BPL (FCC Docket 04-37)**

Dear Commissioners and Commission Staff,

I am writing to you today on behalf of *both* NATIONAL ANTENNA CONSORTIUM (NAC) and THE AMHERST ALLIANCE. Yesterday, we submitted 2 different filings:

- A. An Amended Motion For Re-Issuance Of Certain Proposed Rule Provisions  
*And*
- B. Additional Reply Comments

The Amended Motion is a response to a May 27 Order, in which the FCC granted in part, and denied in part, the May 21 NAC/Amherst Motion For Extension Of Time And Re-Issuance Of Certain Proposed Rule Provisions. That Order asked NAC and Amherst to provide greater “specificity” for our claim that the proposed rule’s interference provisions should be re-issued in a form that is more “clear and complete”. Our Amended Motion answers this request for more “specificity” by proposing 21 changes to the proposed rule.

We also filed Additional Reply Comments, which add 3 more new recommendations. Thus, our new recommendations of June 22 total 24, *in addition* to those we presented in previously filed Written Comments, Reply Comments and Additional Reply Comments.

Unfortunately, during the course of presenting 24 new recommendations to the FCC, we inadvertently left out 2 of them. We now ask the Commission’s permission to add them to the record now, despite the fact that they are “untimely filed” (by a margin of 1 day).

The 2 accidentally omitted recommendations are actually Reply Comments on our own Written Comments and Reply Comments.

Some parties have criticized the NAC/Amherst proposal for establishing “BPL-Free Zones” around certain facilities -- which has been endorsed in principle by ARINC and ShipCom -- because it would protect only stationary radio equipment, such as ground-to-air communications antennas and ship-to-shore communications antennas, while leaving mobile radio equipment unprotected. While we maintain that protecting stationary equipment is better than protecting no equipment at all, we also recognize that broader protection is desirable. To “shore up” our weak point, we offer 2 modifications, as *supplements* to our proposal for placing “BPL-Free Zones” around certain facilities:

1. To the extent that it is practical, the FCC should encourage *mobile* emergency communications to concentrate themselves within a single set of adjoining frequencies. BPL transmissions should then be barred from these frequencies.
- And*
2. BPL transmissions should also be barred on “the 40-meter band”, which is frequently a site for *mobile* Amateur Radio communications -- and also for internationally protected shortwave transmissions.

With these 2 recommendations, we have now presented a total of 26 new, and “specific”, recommendations to the Federal Communications Commission. Once again: These 26 recommendations have been submitted *in addition* to those we presented in filings made before June 22.

Respectfully submitted,

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Vice President, NATIONAL ANTENNA CONSORTIUM (NAC)  
President, THE AMHERST ALLIANCE